

CHOATE

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October 12, 2018

Via ECF and Fax

Honorable Paul G. Gardephe, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 705
New York, NY 10007

Re: *Starr Surplus Lines Insurance Company and Houston Casualty Company v.
CRF Frozen Foods, LLC*, Civil Action No. 17-cv-1030 (PGG)

Dear Judge Gardephe:

Starr Surplus Lines Insurance Company (“Starr”), Houston Casualty Company (“HCC”), and CRF Frozen Foods, LLC (“CRF”) submit this joint letter to report to the Court on the progress of additional discovery. This letter updates the parties’ joint letter to the Court dated September 7, 2018.

As Your Honor may recall, on April 11, 2018, Judge Freeman ordered CRF to review and produce relevant, non-privileged documents for over a one-year span, that are responsive to Phase I of this matter, dated from October 16, 2015 through February 10, 2017, and further ordered that Starr and HCC search for and produce certain documents.¹ As detailed in the parties’ prior joint letters to the Court, the parties followed up on Judge Freeman’s Order, including by making supplemental productions of documents and privilege logs. The content of those prior joint letters to the Court is incorporated herein by reference.

The parties have completed their respective reviews of the supplemental disclosures, including supplemental productions of documents and privilege logs. Starr and HCC have informed CRF that, based on CRF’s supplemental productions and disclosures, Starr and HCC need to reopen the depositions of Emily Camp (CRF’s former Director of Quality Systems), Jon Rodacy (CRF’s former President), and Loyd Richardson (CRF’s former Operations Manager), and need to take the deposition of Joe Silveira (CRF’s former Controller). On October 3, 2018, Starr and HCC issued subpoenas and notices for the depositions of Mr. Rodacy, Ms. Camp and

¹ On Thursday, May 3, 2018, HCC made a supplemental production and Starr represented it was unable to identify any further responsive documents.

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Mr. Richardson, which will take place on October 30, 2018, November 14, 2018, and November 15, 2018, respectively. The deposition of Mr. Silveira has not yet been scheduled.

The parties propose providing the Court with another update on their progress on or before November 30, 2018 – after the parties have concluded the supplemental depositions and analyzed the witnesses’ deposition testimony. The parties anticipate that the November 30, 2018 letter will include the parties’ suggestions for how the case should proceed, including with respect to dispositive motions.

Sincerely yours,

/s/ John A. Nadas
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cc: All counsel of record via ECF